

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 UNITED STATES OF AMERICA,
5 Plaintiff,

6 vs.

7 BRANDON WALLACE

8 Defendant
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CASE NO: 2:21-mj-00924-VCF

ORDER TO CONTINUE INITIAL
APPEARANCE (SECOND
REQUEST)

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12 **FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER**

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14 Based on the pending Stipulation of counsel, and good cause appearing therefore, the court
15 hereby finds that:

16 **CONCLUSIONS OF LAW**

17 Based upon the fact that counsel has agreed to a continuance, the Court hereby concludes
18 that:

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- 20 1. On February 8, 2022, Mr. Wallace retained the undersigned defense counsel.
 - 21 2. The undersigned defense counsel has a scheduling conflict with a State Court matter.
 - 22 3. Mr. Wallace is out of custody and consents to this request.
 - 23 4. Denial of this requests for continuance could result in a miscarriage of justice.
 - 24 5. The additional time requested by this Stipulation is excludable in computing the time
 - 25 within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C.
 - 26 §3161(h)(7)(A), when considering the factors under 18 U.S.C. §§3161(h)(7)(B) and
 - 27 3161(h)(7)(B)(iv).
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1 6. The additional time requested herein is not sought for purposes of delay and the denial of
2 this request for continuance could result in a miscarriage of justice.

3 7. For all the above-stated reasons, the ends of justice would be best served by the continuance
4 of the Initial Appearance in this case.

5 8. This is the second request for a continuance of the Initial Appearance.

6 The ends of justice are served by granting said continuances and outweigh the best interest
7 of the public and the Defendants' right to a speedy trial, since the failure to grant aid continuance
8 would be likely result in a miscarriage of justice as it would deny the parties herein sufficient time,
9 and the opportunity within which to effectively and thoroughly prepare and file pretrial motions,
10 responses, and replies, and prepare for trial taking into account the exercise of due diligence.

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ORDER

IT IS HEREBY ORDERED that the **Initial Appearance** in this matter scheduled for February 10, 2022, at the hour of 11:00 a.m., is hereby vacated and continued to the 17th day of March, 2022, at the hour of 11:00 a.m. in Courtroom 3D.

DATED: February 8, 2022



United States Magistrate Judge